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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,711	04/29/2002	Wolf-Joachim Eggers	1936	4593

7590 04/09/2003

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[REDACTED] EXAMINER

NGUYEN, TRAN N

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2834

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/049,711	EGGERS ET AL.
	Examiner Tran N. Nguyen	Art Unit 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 15-28 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15, 16, 18-20 and 25-28 is/are rejected.

7) Claim(s) 17 and 21-24 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

**Misnumbered claims 1-14 have been renumbered 15-28.**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 15-16, 18-20 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Forbes et al* (US 5918360) in view of *Smith et al* (EP 966156).

**Forbes** discloses a stator (figs 19-21) comprising that comprises at least one stack (187) of individual laminations that comprises at least one laminations (55), and an at least partially present plastic coating (189), wherein:

the stator (20) comprises at least one core ring (181) that forms a channel and extends along a centerline, i.e., the rotary axis, at least one stack of individual laminations is located on the core ring (70), and the at least one stack of individual laminations (16) is held together by means of the plastic coating;

the core ring has at least one projection (177r) for each stack of individual laminations that extends in the direction of the centerline of the stator on an outer surface of the core ring, and the projection at least partially encompasses the stack of individual laminations to form a positive connection.

Forbes substantially discloses the claimed invention, except for the following limitations:

- (a) the coring that forms a watertight inner channel;
- (b) the projections of the core ring are formed as a hook-shaped configuration.

Regarding limitations of subsection (a), **Smith**, however, teaches the stator used in a pump being cast with resin cover (23) in which the stator core ring, the stator poles and their windings are enveloped and the stator ring core is, therefore, formed with a watertight inner channel, within which the rotor is located. The stator is enveloped to shield from water.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Forbes' stator structure by embodying the stator with a stator core ring that forms a watertight inner channel, as taught by Smith. Doing so would shield the stator from water and enable the stator to be used in a motor water pump, which is one of many industrial applications thereof.

Regarding limitations of subsection (b), those skilled in the art would realize that the essential features of Forbes' radially extended axial projections are for forming positive connections with the laminated poles, i.e., the projections serve as attachment means to attach the laminated individual poles to the stator core. An artisan would have the necessary mechanical skills to modify the Forbes projections into a suitable shape and size for the same purpose of forming positive connections with the laminated poles.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Forbes' stator structure by configuring the projections with a hook-shaped. This is

a change in size or shape which is generally recognized as being within the level of ordinary skill in the art. *In re Rose, 105 USPQ 237 (CCPA 1955)* (emphasis added).

2. **Claims 15, 18-20 and 25-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hallerback (US 3827141) in view of Smith et al (EP 966156).

**Hallerback** discloses a stator structure (figs 1-6) substantially as in the claimed invention, except for the limitations of the core ring that forms a watertight inner channel.

**Smith**, however, teaches the stator used in a pump being cast with resin cover (23) in which the stator core ring, the stator poles and their windings are enveloped and the stator ring core is, therefore, formed with a watertight inner channel, within which the rotor is located. The stator is enveloped to shield from water.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the Hallerback stator structure by embodying the stator with a stator core ring that forms a watertight inner channel, as taught by Smith. Doing so would shield the stator from water and enable the stator to be used in a motor water pump, which is one of many industrial applications thereof.

***Allowable Subject Matter***

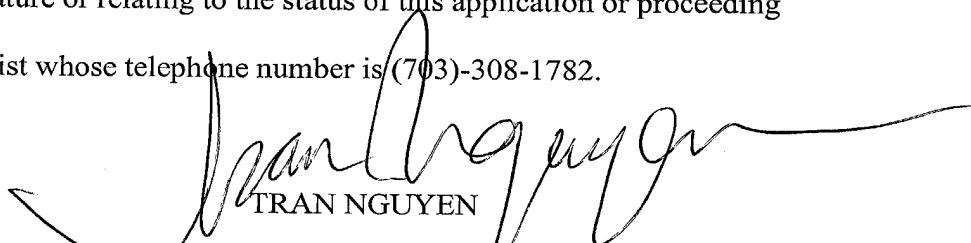
**Claims 17 and 21-24** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN  
PRIMARY PATENT EXAMINER

TC-2800